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APR 24 2008

OFFICE OF PETITIONS

In re Application of  
Randy P. Stanley  
Application No. 09/450,261  
Filed: November 29, 1999  
Attorney Docket No. ITL.0289US(P7820)

ON PETITION

This is a decision on the renewed petition, filed April 3, 2008 under 37 CFR 1.137(b), to revive the above-identified application.<sup>1</sup>

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed March 9, 2007.<sup>2</sup> An advisory action mailed November 6, 2007 advised that the amendment filed August 24, 2007 did not place the application in condition for allowance. Prior to the mailing of the Notice of Abandonment which was subsequently mailed March 18, 2008, a petition to revive was filed November 26, 2007. The petition was dismissed in a decision mailed February 27, 2008 because a proper reply to the Final Office Action within the meaning of 37 CFR 1.113 was not filed with the petition.

Comes now petitioner with the instant renewed petition

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation in part application under 37 CFR 1.53(b); (2) the petition fee of \$1540 was previously paid; and (3) an adequate statement of unintentional delay.

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<sup>1</sup> A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

<sup>2</sup> Amendments filed April 23, 2007, May 24, 2007 and August 7, 2007 were not entered or non-compliant.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application no.12/080,735 filed April 3, 2008, pursuant to the provisions of 37 CFR 1.53(b).

This matter is being referred to Technology Center 2152 for processing of the continuation application filed April 3, 2008.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions